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Vincent W. Lau

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EXAMINER

DAFTUAR, SAKET K

ART UNIT

PAPER NUMBER

2451

NOTIFICATION DATE

DELIVERY MODE

12/05/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/804,355	Applicant(s) LAU ET AL.	
	Examiner SAKET K. DAFTUAR	Art Unit 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This office action is responsive to the amendment filed on October 4th, 2008.
Claims 17-31 are presented for the further examination whereas applicant has cancelled claims 1-16 by this amendment.

Response to Arguments

2. Applicant's arguments filed October 4th, 2008 have been fully considered but they are not persuasive.

- a. Feiertag fail to disclose receiving a media content item and a first time-to-live (TTL) associated with the media content item from a remote device; and receiving an identifier and a second TTL associated with the media content item from the remote device; identifying the media content item based on the identifier; and replacing the first TTL with the the second TTL.

In response to applicant argument a), Feiertag discloses receiving a media content item and a first time-to-live (TTL) associated with the media content item from a remote device (static and dynamic web contents, column 1, lines 19-53, column 2, line 45 – column 3, line 35); and receiving an identifier and a second TTL associated with the media content item from the remote device (see figures 3 and 6, column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15); identifying the media content item based on the identifier (see figures 3 and 6, column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15); and

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replacing the first TTL with the the second TTL(see figures 3 and 6, column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15).

“At block 320, statistics related to the data object are updated. In one embodiment, one statistic updated is a value representing a time when the data object was last validated. In an embodiment, this value is set to the current time (validation time, $t_{sub.v}$, which is described in more detail below in the conjunction with the generation of the time-to-live period for the data object). In an embodiment, a value representing a time when the data object was last changed is also updated, if appropriate. Accordingly, if the data object from data object server 108 and cache 206 were found to be different, this value representing a time when the data object was last changed is set to the current time (change time, $t_{sub.c}$, which is described in more detail below in the conjunction with the generation of the time-to-live period for the data object).

In one embodiment, the updating of the time-to-live period for the data object is based on an associated policy for such a data object. In an embodiment, this associated policy is based on the cumulative hit rate distribution for the data object. In an embodiment, a hit rate includes the number of requests (hits) for a given data object being received from any of a number of different requesting units and/or other servers over a given period of time. In one embodiment, the hit rate over time for a given data

object is evaluated using a histogram (an example of which is illustrated in FIG. 5, which is described in more detail below)." (column 9, lines 1-35)"

Examiner considers that Feiertag discloses that determination was made to determine whether or not that TTL period associated with the data object copy has expired and if so, then the data object is transmitted back with the updated hit rate for the objects. Therefore, applicant arguments are not persuasive and therefore, the rejection is maintained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Feiertag et al. US Patent Number 6,772,203 B1 (hereinafter Feiertag).

As per claim 17, Feiertag discloses providing a first media content item (static and dynamic web contents, column 1, lines 19-53, column 2, line 45 – column 3, line 35) and a first time-to-live (TTL) (see Figure 3, see column 2, line 46 - column 3, line 15 and column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35) associated with the first media content item to a remote device (see

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column 6, line 37 - column 7, line 21); identifying a second media content item (static and dynamic web contents, column 1, lines 19-53, column 2, line 45 – column 3, line 35) associated with the first media content item (see figures 3 and 6, column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15); and determining a second TTL based (column 12, line 8 – column 13, line 15) on the first media content item (see figures 3 and 6, see column 2, line 46 - column 3, line 15 and column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15).

As per claim 18, Feiertag discloses the method of claim 17, further comprising providing the second media content item and the second TTL to the remote device (column 12, line 8 – column 13, line 15).

As per claim 19, Feiertag discloses the method of claim 17, wherein identifying a second media content item associated with the first media content item (column 1, lines 19-53, column 2, line 45 – column 3, line 35) includes determining the first and second media content items are similar types of media content (column 12, line 8 – column 13, line 15).

As per claim 20, Feiertag discloses the method of claim 17, further comprising determining whether the first media content item is still active (column 12, line 8 – column 13, line 15).

As per claim 21, Feiertag discloses the method of claim 17, further comprising identifying media content items to be provided to the remote device

before providing the first media content item and the first TTL to the remote device column 12, line 8 – column 13, line 15).

As per claim 22, Feiertag discloses a transceiver configured to provide a first media content item and a first time-to-live (TTL) associated with the first media content item to the remote device (static and dynamic web contents, column 1, lines 19-53, column 2, line 45 – column 3, line 35); and a processor configured to identify a second media content item associated with the first media content item, and to determine a second TTL based on the first media content item (see figures 3 and 6, column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15).

As per claims 23-26 and 28-31, they do not teach or further define over the limitation as recited in claims 18-21, Feiertag discloses therefore, claims 23-26 and 28-31 are rejected under same scope as discussed in claims 18-21.

As per claim 27, Feiertag discloses receiving a media content item and a first time-to-live (TTL) associated with the media content item from a remote device (static and dynamic web contents, column 1, lines 19-53, column 2, line 45 – column 3, line 35); and receiving an identifier and a second TTL associated with the media content item from the remote device (see figures 3 and 6, column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15); identifying the media content item based on the identifier (see figures 3 and 6, column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15); and replacing the first TTL with the

the second TTL (see figures 3 and 6, column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

b. Packet Messaging Method and Apparatus by Powers et al. US Patent Number 7,310,339 B1.

c. Automatic Setting of Time-To-Live Fields for Packets in an AD HOC Network by Elliot et al. US Patent Number 6,985,476 B1.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saket K. Daftuar whose telephone number is 571-272-8363. The examiner can normally be reached on 8:30am-5:00pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. K. D./

Examiner, Art Unit 2451

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451

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